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Energy Justice and the Legacy of Conflict: Assessing the Kosovo C Thermal Power Plant Project

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Abstract

The concept of energy justice has emerged as an important theoretical and methodological tool aiding to understand challenges in the extraction, production and consumption of energy, and its societal, economic, environmental and security implications. We apply energy justice as an analytical framework to analyse the political, societal and environmental impacts of energy policies in the context of post-conflict instability. Using the Kosovo C project as a case study, a planned lignite power plant and its associated infrastructure, we utilise the three tenets of energy justice (distributional, procedural, and justice as recognition) and Sovacool and Dworkin's (2015) eight aspects of just energy decision-making to depict the opportunities and challenges of the empirical application of energy justice in a post-conflict environment. The application of energy justice to the Kosovo case identifies the legal/regulatory and the temporal dimensions as crucial challenges to just energy policies in a context in which: (i) the lack of due process, good governance, and ongoing post-conflict tensions aggravate the societal, economic and environmental impacts of energy policies; (ii) accessibility and affordability of energy is prioritised over the promotion of sustainability; and (iii) intra- and intergenerational equity concerns take a backseat in the face of immediate state-building priorities.

Keywords: Energy justice; Kosovo; sustainability; state-building; post-conflict

1. Introduction

Since the emergence of energy justice in a policy context in 2013 (McCauley et al., 2013), its application has expanded across different aspects of contemporary energy use, including its production and consumption, as well as matters revolving around energy activism, security and climate change (Jenkins et al., 2016). Sovacool and Dworkin (2015) developed energy justice beyond a mere conceptual application. They promote it as an 'analytical' and 'decision-making' tool to improve our understanding of energy systems and subsequently inform decisions by producers and consumers. However, the application of the energy justice framework to specific case studies is yet to be expanded (Jenkins et al., 2016). In this respect, states that have only recently overcome (violent) conflict provide a particularly difficult context of political decision-making that is worth exploring more in-depth: while being fundamentally dependent on facilitating economic development to prevent a relapse into conflict, such countries commonly face widespread corruption, weak institutions, and have limited means to enable costly energy transitions (Stewart and Firtzgerald, 2001). However, as the UN Sustainable Development Goals underline, access to sustainable energy is a precondition for equitable development, security and peace (United Nations, 2016).

In this paper, we therefore apply energy justice as an analytical framework to identify the opportunities and challenges of creating fair and just energy systems in fragile post-conflict environments. We thereby widen its analytical application and develop its theoretical and methodological toolkit by suggesting important focal points that scholars of energy justice need to incorporate to ensure rigorous research. We do so through an illustrative case study of the planned lignite power plant (and associated mining expansions) in Kosovo[1] that is backed by the World Bank through the provision of expertise in the planning and implementation phase as well as yet undisclosed financial support (The World Bank, 2015). This case allows us to apply the energy justice framework to a state struggling with the common challenges of developing its economy and energy sectors after years of conflict. Assessing the planning and implementation of the Kosovo C project also illuminates the difficulties of reconciling the normative goals of energy justice with empirical

[1] Jointly referred to as the Kosovo C project.

reality. Our enquiry therefore provides an analytical basis for future research on energy justice in post-conflict contexts.

The analysis is guided by the three tenets of justice (distributional, procedural, and justice as recognition). The distributional tenet assesses the benefits and the burdens of energy systems on society, such as a community's improved access to electricity versus costs, displacement and pollution. The procedural tenet evaluates whether there has been a fair decision-making process that is inclusive and non-discriminatory. Justice as recognition illustrates who has been considered or neglected during the decision-making and implementation processes of energy policies. Such recognition can be achieved through participation at the planning stage of a new power plant, and through the acknowledgment of effects on society; for example, the impact of an energy transition on low-income members of society through rising energy costs and potential job losses in fossil fuel industries (Jenkins et al., 2016; McCauley et al., 2013). In addition, our analysis is guided by the eight aspects of just energy decision-making developed by Sovacool and Dworkin (2015) that are explored further in the Background section of this article.

In the following, we, first, situate the analysis within the wider literature on energy justice and provide the necessary background to the case of Kosovo C. Second, we provide a brief overview of the methodological assumptions and methods that guide the analysis. We, third, assess the due process and good governance of the Kosovo C project through the lenses of procedural and recognition tenets. Subsequently, we examine the societal, economic and environmental impacts of the project in light of the distributional tenet. We conclude that the legal/regulatory and the temporal dimensions are crucial challenges to a more just energy policy in the Kosovar case in which: (i) the lack of due process, good governance, and ongoing post-conflict tensions aggravate the societal, economic and environmental impacts of energy policies; (ii) accessibility and affordability of energy is prioritised over the promotion of sustainability; and (iii) intra- and intergenerational equity concerns take a backseat in the face of immediate state-building priorities.

2. Background: Energy Justice, Post-Conflict States and the Kosovo C Project

Energy justice has become "a novel conceptual tool […] that better integrates usually distinct distributive and procedural justice concerns" (Sovacool and Dworkin, 2015, p. 1). This theoretical approach does not predict outcomes, but rather reframes existing issues and challenges by combining and explaining them in light of inter- and intragenerational justice. Energy justice has been applied to provide new perspectives on issues of energy consumption, efficiency, energy transitions and subsidies, the energy trilemma, as well as climate change and sustainability (Eames and Hunt, 2013; Fuller and McCauley, 2016; Hall, 2013; Heffron et al., 2015; Heffron and McCauley, 2016; Sovacool and Dworkin, 2014).

Energy justice therefore serves as an important analytical tool to improve our understanding of the role of values in energy systems. It allows analysts to assess contemporary environmental challenges and issues of economics and engineering as part of the same comprehensive philosophical framework of justice (Sovacool and Dworkin, 2015). Jenkins et al.'s (2014) promotion of a whole systems approach that seeks to apply energy justice onto the entire lifecycle of energy sources has further increased the value of the concept as a decision-making tool for planners, businesses, and consumers (Jenkins et al., 2014; Sovacool and Dworkin, 2015). Combining distinct sectoral issues under a common justice framework, a whole systems approach is arguably best suited to assess economic, environmental, technological and societal considerations in contemporary energy systems. It thereby enables the comprehensive analysis of individual energy projects and policies, specific energy technologies and entire energy strategies (ibid.).

Although the potential of energy justice as an analytical and decision-making tool is established in the literature, its application has so far been largely theoretical and conceptual. Developing energy justice as a decision-making tool, Sovacool and Dworkin (2015) outlined eight aspects that decisions in the energy sector should promote: (i) availability, (ii) affordability, (iii) due process, (iv) good governance, (v) sustainability, (vi) intergenerational equity, (vii) intragenerational equity, and (viii) responsibility. Aimed to inform decision-making, we apply these aspects retrospectively to assess the Kosovo C project in terms of energy justice. Categorising them within the three tenets of justice, we can consider (iii) and (iv) to be part of the procedural and justice as

recognition tenets, while the remaining, except for (viii), relate to matters of distribution (see Table 1). Responsibility (viii) takes a particular role as it refers to the moral obligation of governments to minimize negative effects of their decisions on society, economy, and the environment (ibid.).

Table 1: Eight Aspects of Just Energy Decision-Making and the Three Justice Tenets

	Eight Aspects	Tenet
i	Availability	Distributional
ii	Affordability	
iii	Due Process	Procedural and Recognition
iv	Good Governance	
v	Sustainability	Distributional
vi	Intergenerational Equity	
vii	Intragenerational Equity	
viii	Responsibility	

The challenge of just energy decision-making is particularly pronounced in countries that have experienced economic and political crises or conflict. These states are often in a politically and economically vulnerable situation impeding recovery and development, which can even lead to a return to violent conflict (Collier et al., 2003, p. 19). In the case of Kosovo, conflict developed on several levels (economic, political, ethnic, religious) concurrently, resulting in a complex interplay of forces.[2] Economically, the country had been Yugoslavia's poorest province, with the Milosevic regime's policies and international sanctions deepening the country's socioeconomic underdevelopment in the 1990s (Del Castillo, 2008). Simultaneously, specific groups advanced their own interests by exploiting ethnic- and religious-based grievances. (Di Lellio, 2009; Judah, 2008; Malcolm, 1998; O'Neill, 2002; Schmitt, 2008). The construction of fear and the manipulation of ethnic sentiments by elites and interest groups represented a crucial driving force of the conflict (Dahlman and Williams, 2010, p. 408; Oberschall, 2000, p. 989). The declaration of independence in 2008 therefore did not end the conflict, it merely transformed it (ibid.). This volatile situation is exacerbated today by widespread corruption, which undermines benefits for the economy and thereby

[2] As severe grievances remain highly contested, making more detailed claims about underlying conflict dynamics would divert from the purpose of our research. See Malcolm (1998), Judah (2008) and Schmitt (2008) for detailed analyses.

society as a whole. As Berdal et al.(2001) and Collier et al.(2003) stress, nascent political institutions arguably lack capacities, public legitimacy and transparency.

Today, Kosovo remains one of Europe's poorest regions with a GDP per capita of only US$ 3,561 (2015) and almost 30 percent of the population living below the national poverty line (The World Bank, 2016). Kosovo remains dependent on electricity imports, accounting for approximately 10% of domestic consumption (Ministria e Energjisë dhe Minierave Faqe, 2009). At the same time, Kosovo boasts the fifth largest lignite reserves in the world which have been exploited since 1922 (KPMG, 2016). Today, 98 percent of Kosovo's electricity is generated by two Yugoslav-era coal power plants, namely Kosovo A (built in the 1960s) and Kosovo B (built in the 1980s) (KOSID, 2014, p. 9; Orion 3E Consortium, 2014, p. 6). However, Kosovo A accounts for the highest rates of air pollution in Europe (KOSID, 2014). In 2006, the Government of Kosovo (GoK) developed the Kosovo Power Project (KPP) that includes the construction a new lignite-burning power plant (Kosovo C) and the development of the associated Sibovc mine. It also entails the decommissioning of Kosovo A, and the rehabilitation of Kosovo B to modern standards (Ministry of Economic Development, 2013).

At the end of 2015, the Ministry of Economic Development signed a Memorandum of Understanding (MoU) with American firm ContourGlobal, who was the only bidder in the Kosovo C tender process (Balkan Insight, 2014). However, the KPP is widely disputed nationally and internationally. In the following section, we briefly highlight the methodological assumptions guiding the analysis before proceeding to the application of the energy justice framework to the Kosovo C project.

3. Methodology

Conducting research in post-conflict environments can be a challenging undertaking, particularly where it focuses on in-depth qualitative research that draws its analytical strength from the social interaction between participant and researcher. In this regard, a few assumptions and limitations deserve highlighting here.

First, the conflict in Kosovo destroyed integral state institutions, rendering (historic) data on the country's energy sector and economy non-existent or unavailable. Such a lack of reliable data and literature on the Kosovo C project results in severe methodological constraints. We therefore apply the research strategy of retroduction[3], meaning that we move back and forth between the research question and the available empirical material. This cyclical process allows us to identify prominent themes in a cumulative and iterative manner, counterbalancing the lack of data such as official statistics. In line with the retroductive reasoning, we assume that knowledge is produced by constant revision and reproduction in a specific context. Our choice of methods is guided accordingly.

Second, the case of Kosovo C provides the context for our enquiry. Flyvbjerg (2004) argues that case studies are an appropriate method for in-depth analyses of complex issues and best capture the complexity of reality while still possessing a degree of transferability (p.432). Along these lines, case studies support the generation and verification of data at all stages of the research process (ibid., p.425). This is particularly beneficial where quality data is not always available. While we acknowledge the limited generalizability of case studies and the advantages of a positivist methodology particularly in the energy sector, the lack of available evidence undermines the possibility of conducting a sound quantitative analysis. Therefore, we argue that the Kosovo C project as a qualitative case study is most appropriate to supporting our exploration of the relevance of the energy justice framework in a post-conflict setting.

Third, we combine discursive document analysis with semi-structured interviews to identify common themes in an iterative manner. The lifespan of the Kosovo C project delimits the timeframe from which we select the document for our analysis (2006 to present). Our analysis draws on documents such as policy reports and evaluations by (non-)governmental actors; government statements such as press releases; relevant legislation in the national economic development and

[3] This article is part of a larger project that uses the critical realist methodology of retroduction according to Bhaskar (1979, 1978) and Harré and Secord (1972) to explore broader questions of sustainable development in Kosovo (First Author, forthcoming).

energy sector; and news articles from reliable[4] and independent news outlets such as the Balkan Investigative Reporting Network (BIRN).

In line with the cyclical logic of retroduction, we synthesise the findings of the document analysis with insights from semi-structured interviews. We conducted 46 interviews in Pristina and Brussels, of which 23 directly inform the present analysis.[5] They provide the setting in which additional data is produced in a meaningful way through social interaction (Mason, 2002, pp. 52, 62). In this respect, we interviewed representatives of the Kosovar government (e.g. former Minister of Environment and Spatial Planning Ferid Agani, and Director of the Kosovo Environmental Protection Agency Ilir Morina), representatives of civil society (e.g. Kosovo Civil Society Consortium for Sustainable Development), and senior representatives of major donor countries and institutions (e.g. European Commission). As the post-conflict environment poses specific political challenges, ensuring the anonymity of research participants is vital. Therefore, we cannot always disclose the name, position or organisational affiliation of the interviewees.

Acknowledging that such qualitative research is limited in generalisability and difficult to reproduce, it does possess a degree of transferability. While quantitative analyses can reveal causal relationships with statistical reliability due to a larger sample size, they oftentimes merely scratch the surface and do not explain why certain relations exist. Given the volatile nature of the post-conflict environment, qualitative research enables us to explore such underlying relations in greater depth. In the case of Kosovo C, using qualitative methods allows to draw careful conclusions about the underlying perceptions of justice and equity that can influence decision-making in the energy sector. Therefore, we did not aim to create a representative example, but chose the interviewees based on their ability to provide additional insights that inform our analysis more broadly and applied the snowballing strategy to identify key stakeholders. Given that the interviews created similar findings towards the end of interview process, we arguably reached a point of natural data saturation.

[4] We disregard all sensational news and instead draw only on (regional) news outlets that apply a high standard of journalistic practice with no affiliation to specific countries, ethnicities, or governments.

[5] The fieldwork conducted within the framework of the larger project mentioned above provides the material for this article. Interviews were conducted by [First Author] in Pristina (Kosovo) and Brussels (Belgium) between April and September 2016.

4. Analysis and Discussion

4.1 Analysis: The Case of Kosovo C

In this section, we analyse the plans of the construction of Kosovo C and the associated infrastructure in relation to the tenets of energy justice. We examine what the procedural and recognition tenets of energy justice reveal about the inclusivity and transparency of the project before we use the distributional tenet to analyse its societal, economic and environmental impacts.

4.1.1 Procedural Justice and Justice as Recognition: Issues of Transparency

Both, the recognition and the procedural tenet relate to due process and good governance in the planning and implementation of energy projects. Assessing Kosovo C in light of the procedural and recognition tenets proves difficult due to (1) the project's contractual non-transparency and (2) the resulting uncertainties in the project's design. Such difficulties highlight that in post-conflict environments, where institutions can be weak and corruption widespread, due process and good governance are not always given, undermining procedural justice and justice as recognition.

Overall, there was limited transparency in the tender process for Kosovo C. Procurement processes in Kosovo are regulated by the 2007 Law on Public Procurement, highlighting the importance of integrity and transparency (Art 1.2; Chapter 3, section 9), and outlining specific provisions of signing public contracts (Chapter 5, section 20, 24) (UNMIK/Assembly of Kosovo, 2007). It provides that

> "The present law also aims to ensure the integrity and accountability of public officials … conducting or involved in a procurement activity by requiring that the decisions of such individuals, and the legal and factual bases for such decisions, are free of any personal interest, are characterized by non-discrimination and a high degree of transparency …"[6]

However, Article 3.1 delimits transparency merely to the level at which it does not clash with business confidentiality. Given that the MoU cannot be viewed and that no information is made available by ContourGlobal, this legal provision leaves sufficient room for navigating the project through a legal grey area in terms of public disclosure (ContourGlobal, 2016). In fact, in 2015, GoK

[6] Art. 1.2.

attempted to annul parts of the procurement law through a new Law on Strategic Investment, which was intended to speed up procurement procedures for projects boosting economic development (Republic of Kosovo, 2015a). Although the draft law did not pass parliament, it would have had severe implications in terms of transparency and public participation; for instance it would have enabled the bypassing of public consultations (Art. 5.3) as well as the transparency clause of the Law on Public Procurement by allowing the classifying of any data or information by the investor (Art. 6.1.8) (Republic of Kosovo, 2015b).

According to the criteria outlined in Art. 1 and 1.1, Kosovo C would have qualified as a 'strategic investment' and would hence have been subject to the Law on Strategic Investment, which would have offset some legal challenges posed by the Law on Public Procurement. One such challenge refers to the Law's regulation on the required number for tenders, namely if fewer than three tenders are placed in a bid for public contract, "the contracting authority shall cancel the procurement activity" (Art. 30A.4) (UNMIK/Assembly of Kosovo, 2007). While this provision can be waived under specific (yet not legally defined) circumstances through a written request by the contracting authority to the Public Procurement Agency (Art. 30A.5), in the case of Kosovo C there are no records of such a written request.

Considering the procedural tenet of energy justice, such high levels of non-transparency question whether the decision-making process was indeed fair, inclusive, and non-discriminatory. Legal uncertainty also has direct bearing on the recognition tenet of energy justice. A Stakeholders' Engagement Plan (SEP) is a legal requirement for projects supported by the World Bank (2001) and is supposed to ensure public participation (Downing, 2014, p. 3; Environment & Social Impact Assessment Kosova e Re Power Plant (ESIA KRPP), 2014). However, this does not yet exist. There is merely the weaker Stakeholders' Engagement Framework (SEF) under which the main responsibilities of public engagement are with the Ministry of Environment and Spatial Planning (MESP) and the project's Information Centre (Orion 3E Consortium, 2014, pp. 60–64). This is problematic because, as former Minister of Environment Ferid Agani highlighted in an interview, serious delays in the procurement process stretched the capacities of the MESP, causing it to fall behind on implementing

existing provisions.[7] Due to such a severe lack in capacities, recognition of all stakeholders is unlikely.

This lack of transparency indicates a level of 'injustice' in light of the procedural tenet. Given intractable corruption in Kosovo - ranking 103rd out of 168 countries in Transparency International's Corruption Perception Index - such opacity reflects negatively on the KPP more widely and raises the question of lawful conduct (Transparency International, 2016). Senior representatives of other international institutions and governments involved in different stages of the KPP have indeed voiced their uncertainty about the progress of the project and their apprehension of the poor practice of communication.[8]

4.1.2 Distributional Justice: The Societal, Economic and Environmental Impacts of Kosovo C

Since the plan for a new lignite power plant has been in the pipeline for more than a decade, the initial design of has frequently been altered. The most recent change to a single 500MW generation unit was announced with the MoU in December 2015, meaning much of the official data that is available on the project, such as the 2014 Environmental and Social Scoping Study (ESSS) financed by the World Bank, is largely outdated. The data that is available is again contested. While GoK puts the estimated costs of Kosovo C at 1 billion euro, other studies by, for example, the Institute for Energy Economics and Financial Analysis, see them closer to 1.44 billion euro (Institute for Energy Economics and Financial Analysis, 2016; Ministry of Economic Development, 2013). If interest rates on loans and subsidies are also considered, the overall costs could even amount to 4.8 billion euro (Institute for Energy Economics and Financial Analysis, 2016, p. 2; The World Bank, 2016). Despite such volatility of available data, various societal, economic and environmental implications deserve highlighting, particularly in light of energy justice's recognition and distributional tenets.

Societal impacts

[7] Author's interview with Ferid Agani, 26 May 2016, Pristina, Kosovo.
[8] Author's interviews in Pristina (Kosovo) and Brussels (Belgium) between April and September 2016.

The Kosovo C project will result in large-scale resettlements and run the danger of inequitably distributing the project's social costs. Since the design of the plant is not yet finalised, the number of project-affected people can only be estimated. The 2014 ESSS, using a larger reference plant with two 280-320 MW generation units, set the number of people to be resettled at 7,000 in the Sibovc area (Orion 3E Consortium, 2014, p. 22). Within the context of the Resettlement Project Framework (RPF), which is intended to provide the foundation for the more detailed Resettlement Project Plan (RPP) which does not yet exist, GoK highlights that

> "[w]here displacement or the loss of economic assets and means of livelihood are unavoidable, the objective ... is to ensure that affected people can improve or at the very least recover their standard of living and livelihoods in the shortest possible time."
> (Ministry of Environment and Spatial Planning, 2008, p. 5)

According to the RPF, the investor is responsible for compensating project-affected people conforming to international regulations on involuntary resettlement, supervised by government authorities (Ministry of Environment and Spatial Planning, 2008, p. 7). Whether such conditions are present in the MoU is not verifiable.

As Ferid Agani acknowledges in an interview, much of the responsibilities that would normally lie with the investor have fallen back onto public authorities. This is problematic as the government lacks the capacities to promptly deal with the resettlements (Orion 3E Consortium, 2014, p. 107). Residents of Hade that were resettled during the gradual expansion of the mining area in 2003-2004 have still not been compensated (ibid.). Downing calls this the "stepwise mining expansion and land take strategy"[9] (SMELT) which slowly forces small parts of a community to resettle as living conditions deteriorate to the extent that people will want to leave voluntarily (Downing, 2014, p. 8). Yet, GoK and the World Bank have stated that most of the affected communities agree with the provisions of their resettlement (The World Bank, 2012). Given the SMELT strategy having been used during similar projects, the voluntary nature of such public support becomes questionable. As the government lacks capacities to ensure resettlement in line with international regulations and that the costs of the resettlement caused by the Kosovo C project cannot be adequately estimated, there is a real risk of causing further socio-political tensions.

[9] Emphasis removed.

Economic impacts

The World Bank and GoK highlight that Kosovo C is the most economic energy option and that other sources have been considered (Ministry of Economic Development, 2013; The World Bank, 2011).[10] Although, for example, a wind atlas was created in 2016, the potential of other renewables, such as solar power, have not been explored (INDEP and Sierra Club, n.d.; Institute for Energy Economics and Financial Analysis, 2016; Kittner et al., 2014; Sander + Partners, 2016). Furthermore, the government claims the project will lead to the creation of approximately 10,000 jobs (Ministry of Economic Development, 2013). However, to what extent Kosovars would be employed in those positions - which could require substantial training - remains unclear. Overall, economic benefits stemming from the project are uncertain and further questioned by issues of resettlement and consumer costs. The economic costs of the project will likely be distributed unequally.

Regarding the resettlement project, its economic impacts can affect all electricity consumers. On the one hand, if economic opportunities cannot be improved or even restored to an adequate level, new forms of poverty can emerge. On the other hand, a steep increase in resettlement costs would likely be footed by electricity consumers. As Downing highlights, this would create new faultlines between the displaced and the ratepayers (Downing, 2014, p. 3). Admittedly, GoK highlighted that the investor committed to the establishment of a Community Development fund of 10 million euro to support project-affected communities (Ministry of Economic Development, 2013). It is, however, questionable if this sum outbalances the direct and indirect costs of the resettlement. An additional level of tensions might arise on the fiscal level, as it is unclear to what extent the project's impact on Kosovo's budget, through increased social assistance or diverted revenues from the energy system, have been considered (Institute for Energy Economics and Financial Analysis, 2016, p. 29). Assessing these tensions through the lens of energy justice reveals a potential uneven distribution of socio-economic costs reflected in future energy tariffs.

The Ministry of Economic Development highlighted that "[e]nd consumer tariffs are lower than in any previous projection for their entire lifetime of the project, meaning they are affordable"

[10] Author's interview with Ferid Agani, 26 May 2016, Pristina, Kosovo.

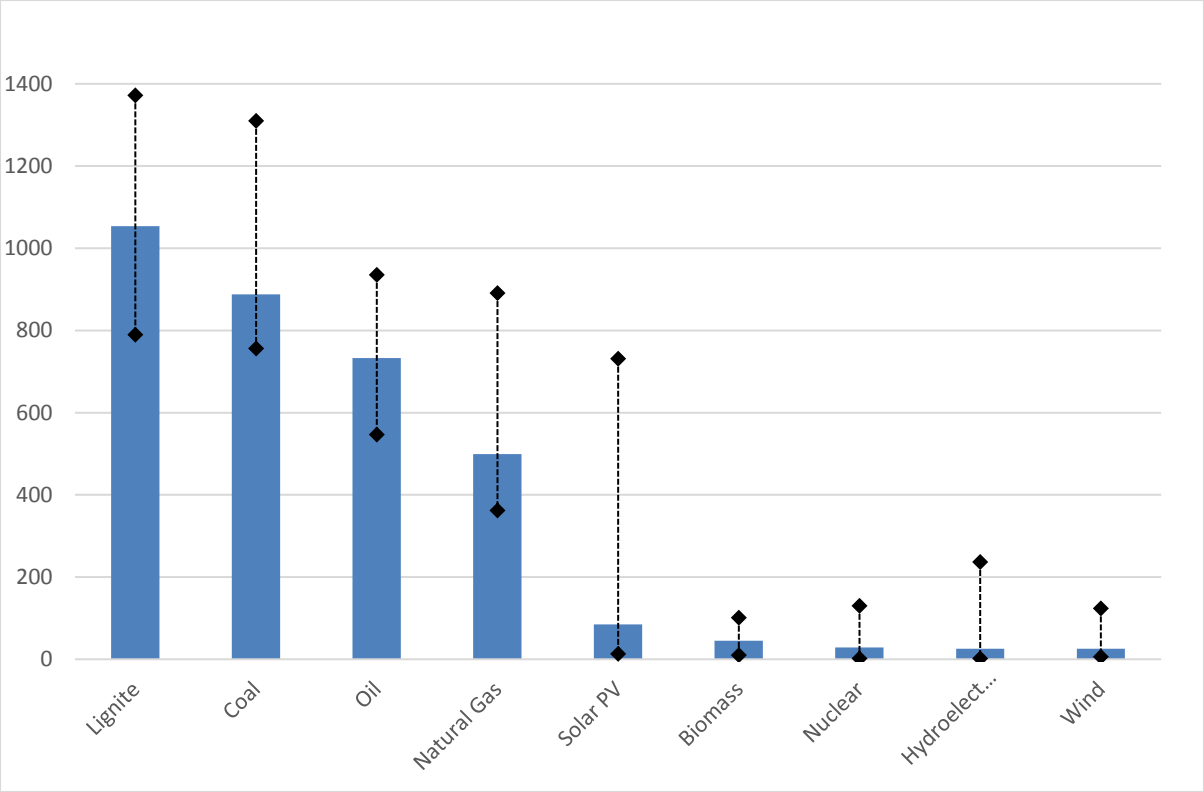
(Ministry of Economic Development, 2013). However, specific estimates are not available. Certainly, this is partially due to the plans of the investor, at the time of writing, still not being finalised and the contract not yet being signed, but if improving access to energy is one of the main objectives of the project, then an early estimation of energy prices should be a key prerequisite. Current energy prices are already unevenly footed by different classes, with the poorest families (below the poverty line) paying almost 30 percent of their annual income for electricity compared to the national household average of less than 10 percent (Institute for Energy Economics and Financial Analysis, 2016, p. 9). Through the construction of Kosovo C, a fourfold increase in electricity price becomes highly likely, forcing the poorest to spend about 40 percent of their annual income on electricity, compared to the national household average of 13 percent (ibid., p.1).

Environmental impacts

The construction of Kosovo C and the expansion of the associated mining area are expected to have severe effects on the environment, the distribution of which is - again - uncertain. First, while it is difficult to quantify the negative environmental impacts due to the unknown design of the project, the power plant and the mine would physically alter the landscape, cause further CO2 emissions and increase the risks of respiratory diseases caused by coal dust (Orion 3E Consortium, 2014, pp. 60, 99). Indeed, lignite is the most polluting energy source when considering its lifecycle Greenhouse Gas (GHG) emissions (see Figure 1). Still, Ferid Agani calls Kosovo C "a very environmentally friendly power plant".[11]

[11] Author's interview with Ferid Agani, 26 May 2016, Pristina, Kosovo.

Figure 1: Lifecycle GHG Emission Intensity per Technology. Average Emissions Intensity and Range Between Studies in Tonnes CO2 Emissions/GWh (World Nuclear Association, 2011, pp. 6–7)



Second, Kosovo C would increase water consumption in central Kosovo, which "is naturally water short" (Orion 3E Consortium, 2014, p. 85). The system along the Iber-Lepenic River is estimated to encounter losses of approximately 50 percent, which could potentially lead to further water cuts in Pristina and the surrounding area (ibid.). It is likely that such cuts would affect those who depend on public water networks and cannot afford private water storage systems, as is the case with many modern urban apartments.

Third, the weak institutional capacities of the government provide an additional risk to environmental protection (ibid., p.54). Currently, only a small fraction of the national budget is assigned to environmental concerns, arguably because (post-conflict) priorities lie elsewhere.[12] The Draft National Energy Strategy reflects this and while recognising the energy sector as the worst polluter in Kosovo, it assigns very limited consideration to environmental protection (Ministry of

[12] Author's interview with Ilir Morina (Director of the Kosovo Environmental Protection Agency, Government of Kosovo), 10 May 2016, Pristina, Kosovo; Author's interview with Ferid Agani, 26 May 2016, Pristina, Kosovo.

Economic Development, 2013, pp. 7, 19). Therefore, while the improvements stemming from decommissioning Kosovo A need to be acknowledged, the environmental impacts of Kosovo C are severe.

4.2 Discussion: Challenges and Opportunities of Using Energy Justice in Post-Conflict Contexts

The existence of strong legal provisions in Kosovo's public procurement process on the one hand and the lack of their implementation on the other hand underline the gap between theory and practice that impede the certainty with which analyses informed by energy justice can be made. While the concept does indeed help to understand the interplay of such illegal tendencies, the ideals it promotes, namely just, equitable and inclusive decision-making processes supporting equal access to energy and socio-ecological sustainability, seem far from attainable in a post-conflict setting. While this, of course, does not invalidate the aims of energy justice, it might question the concept's practicability in informing decision-makers, unless it ensures a more 'realistic' evaluation of factors. As the case of Kosovo C illustrates, an adequate framing of the inherently contested concept of justice is necessary in the face of post-conflict realities (Berdal et al., 2001).

The spatial, temporal and societal dimensions of energy justice allow to assess issues of energy security, economy, and sustainability that can feed into conflict dynamics and, in the worst case, contribute to its resurgence (Dabelko and Conca, 2002; Humphreys, 2005; Le Billon, 2007). Despite potential economic benefits for the country as a whole, the costs of the Kosovo C project would unevenly be distributed across all three dimensions. The societal and environmental costs would be footed primarily by those living in the immediate vicinity of the power plant. The restoration of livelihoods of those who are forced to resettle cannot be guaranteed, while those who remain are faced with the negative environmental consequences. There is a real danger of ratepayers having to finance resettlements and any unforeseen project costs through increased tariffs, while promised economic benefits are uncertain to materialise. The calculated debt necessary to realise the project would be a further financial burden for future generations, not even considering the implications of compromising the government's ability to fund other necessary projects by locking it

into a financial commitment of such scale for the foreseeable future. Using the framework of energy justice sheds light on the extent to which large energy projects aimed at alleviating energy poverty in fact create new forms of injustice and socio-economic tensions.

Access to energy and the promotion of sustainability hence pose different questions in a post-conflict context and issues, such as corruption and post-conflict tensions, aggravate the socio-ecological impact of energy policies. However, the analysis also reveals a more general ethical conundrum of economic development: should developing countries be entitled to a phase of 'dirty', coal-powered development to catch up with developed countries? This conundrum is linked to Sovacool and Dworkin's (2015) eighth aspect of just decision-making in the energy sector, namely responsibility. Although a comprehensive analysis of this issue lies beyond the scope of this paper, it is an important one to raise, as it featured prominently in the empirical interview material and seems to be the underlying – if not openly voiced – rationale of the international community's supportive stance towards Kosovo C. For example, interviews with senior representatives of the EU and EU Member States, as well as other governments and international organisations supporting development and security projects in Kosovo revealed that there appears to be a consensus to choose economic development over environmental sustainability by supporting the exploration and use of the abundant resource (lignite). Policy-makers and -practitioners working for the above-mentioned institutions and national governments justified this by referring to the desperate need for creating economic opportunities in order to stabilise the country, while also considering own financial constraints.[13] Therefore, even though international organisations like the World Bank and the EU, and the governments of their individual member states, promote aspects of energy justice, concerns for inter-generational justice and climate change take a backseat in the face of immediate state-building priorities.

5 Policy Implications and Conclusions

[13] Author's interviews conducted in Pristina (Kosovo) and Brussels (Belgium) between April and September 2016.

Our analysis revealed that the energy justice framework is challenged by post-conflict realities which undermine its contribution to the policy-making process. Kosovo's fundamental issues of non-transparency limited the ability of energy justice to provide a comprehensive analysis of the planning and implementation of the Kosovo C project. The analysis revealed shortcomings in good governance and due process related to procedural justice and justice as recognition, while the distribution of societal, economic and environmental costs appeared largely imbalanced. Priority was given to providing broad access to energy in the short-term while sacrificing long-term environmental – and societal – sustainability.

Assessing energy systems on the basis of justice, raises the questions what justice means and to whom? 'Justice', therefore, might take different forms and meanings in a post-conflict environment in which injustices may serve the 'greater good' of economic development and societal reconciliation. In the case of Kosovo, the reification of sustainability and intra- and intergenerational justice competes with the immediate development and post-conflict stability interests that take precedence over long-term sustainability. The argument is further aggravated by issues of responsibility and when justice is considered as reciprocity between emerging economies vis-à-vis developed countries.

The analysis revealed the need for improvement in terms of basic justice assurances, such as good governance and due processes, in post-conflict countries. Since the application of justice to questions of energy guarantees a degree of transparency in the development process of a project and thereby supports comprehensive predictions of its impact on a state's economy, environment and society, the energy justice framework can provide an improved basis for building a more prosperous future after years of conflict. As such, the framework can ensure and enhance the dialogue among opposing interest groups. The incorporation of the energy justice framework into project evaluations and impact assessments by international organisations and governments would be an important step towards guaranteeing participation and inclusiveness.

Ultimately, the problems posed by the post-conflict environment can best be understood when framed in terms of the key challenges to energy justice as outlined by Jenkins et al. (forthcoming). Expanding energy justice to more fragile contexts has direct methodological implications: the lack of quality data in such environments demands more open-ended, normative lines of enquiry that trade

replicability for in-depth analyses of underlying injustices. In this regard, the post-conflict setting, illustrated by the case of Kosovo C, expands the understanding of energy justice in challenging national contexts with distinct legal, regulatory obstacles.

In summary, the application of energy justice to the Kosovo C project revealed the legal/ regulatory and the temporal dimensions as crucial challenges to a just energy policy in an environment in which: (i) The lack of due process, good governance, and ongoing post-conflict tensions aggravate the societal, economic and environmental impacts of energy policies; (ii) accessibility and affordability of energy is prioritised over the promotion of sustainability; and (iii) intra- and intergenerational equity concerns take a backseat in the face of immediate state-building priorities. Fundamentally, applying the energy justice framework to post-conflict cases questions the concept's underlying understanding of 'justice' itself; what it means, to whom, and in which context.

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